

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NNJ FACTORS, LLC, d/b/a COMMISSION  
EXPRESS OF NORTHERN NEW JERSEY,

Plaintiff,

v.

KEVIN JOYCE,

Defendant.

**NOTICE OF MOTION  
TO DISMISS COMPLAINT**

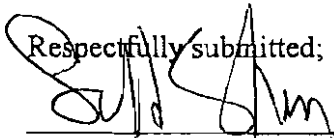
07 CIV. 3099 (RPP)

**MEMO ENDORSED**

PLEASE TAKE NOTICE that upon the Complaint and Answer filed in this action, the annexed Affirmation of Sanford Cohen, dated September 17, 2007, and the memoranda submitted with respect to this motion, and all prior proceedings herein, Plaintiffs will move this Court before the Honorable Robert P. Patterson, Jr., at the Hon. Daniel P. Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, as soon as counsel may be heard, for an order and judgment, pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure, to dismiss the Complaint in this action on the basis of improper venue, and for any other, further or different relief which this Court deems just, proper or necessary.

Dated: September 17, 2007  
Orangeburg, New York

Respectfully submitted;

  
Sanford Cohen, Esq. (SC 6999)  
Attorney for Defendant  
60 Dutch Hill Road, Suite 5  
Orangeburg, New York 10962  
(845) - 359-8855

TO: Daniel Crupain, Esq.  
Attorney for Plaintiff  
225 Broadway  
Suite 2700  
New York, NY 10007

*In view of the plaintiffs letter dated  
September 20, 2007. This motion is  
denied as moot and the case is  
dismissed without prejudice.*

*So ordered*

*Robert P. Patterson, Jr.*  
RPP  
9/21/07

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